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SUMMARY RECORD OF THE 6th MEETING

Chairman: Mr. AL-SHAALI (United Arab Emirates)

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The meeting was called to order at 10.10 a.m.

ELECTION OF THE RAPPORTEUR

1. Mr. DE LEON (Philippines) nominated Ms. Semafumu (Uganda) for the office of Rapporteur.

2. Ms. Semafumu (Uganda) was elected Rapporteur by acclamation.

AGENDA ITEM 92: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/46/3 (chap. IV, sect. A), A/46/18, 166, 183, 184, 344, 391, 447, 465, 493, 501; A/C.3/46/2; E/1991/39)

AGENDA ITEM 93 RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/46/166, 184, 292, 294, 304, 344, 459, 501)

3. Mr. BURCUOGLU (Turkey) said that his delegation supported the conclusions set forth in paragraphs 148 to 150 and the recommendation in paragraph 161 of the preliminary report prepared by the Special Rapporteur on the question of the use of mercenaries (A/46/459). Acts carried out by terrorist groups constituted serious violations of human rights and fundamental freedoms. The United Nations should continue its consideration of that issue as a matter of priority in order to devise punitive measures to be applied against groups that spread terror among populations.

4. The admission of seven new Members to the United Nations marked an important step towards the universal exercise of the right of peoples to self-determination. Since the accession by Namibia to independence, a process of political change had been taking place in South Africa. While that was cause for satisfaction, Turkey maintained its firm position calling for the complete elimination of apartheid. The recent changes in South Africa had resulted from the heroic struggle of the people of that country and the solidarity of the international community. The negotiations on a new constitution should be stepped up in order to establish a democratic and non-racial South Africa. Turkey also welcomed the agreement concluded between the South African Government and the Office of the United Nations High Commissioner for Refugees (UNHCR) concerning the return of refugees and exiles and also the recent national peace agreement between the principal parties. Nevertheless, much still had to be done and the international community should remain vigilant.

5. His delegation had noted with interest the report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/1991/39) and felt that the various activities set forth in the Programme should be implemented in order to achieve the main objectives of the Decade.

(Mr. Burcuoglu, Turkey)

6. Turkey was concerned about the increase and spread of xenophobia and new forms of racism and racial discrimination that threatened the very existence of migrant worker communities. He called upon the countries concerned to protect those communities and take effective measures to deal with that dangerous situation. With respect to the Middle East, a settlement of the conflict must be based on negotiations between the parties concerned in accordance with Security Council resolutions 242 (1967) and 338 (1973). It was gratifying to note that the efforts by the United States, Arab countries and the Soviet Union had created the necessary conditions for convening a regional conference. He hoped that all the parties would endeavour to take advantage of that opportunity. Turkey had welcomed the liberation of Kuwait and the restoration of its independence, sovereignty, territorial integrity and legitimate Government and commended the efforts by the Kuwaiti Government and people to overcome the devastating effects of the invasion.

7. His country was alarmed at the situation in Afghanistan, which continued to threaten peace in Asia. Turkey had welcomed the recent Soviet-American agreement which provided for a halt to the delivery of military equipment to the parties to the conflict and he hoped that it would facilitate the search for a political situation based on the establishment of a Government representing all segments of Afghan society. As a friend of the Afghan people, Turkey was prepared to continue to contribute to the search for a political settlement.

8. Mr. SLABY (Czechoslovakia) said that the most efficient way to combat racism was through legislative efforts combined with long-term educational programmes for eliminating deep-seated prejudices. Coordinated efforts by the Member States on the basis of universal or regional legal instruments were necessary in order to put an end to racial discrimination. The existing United Nations machinery in that field should be strengthened and use should be made of regional mechanisms such as the Council of Europe or the Conference on Security and Cooperation in Europe. The proposed third decade to combat racism and racial discrimination would be useful in that regard.

9. His Government was currently formulating its policy on ethnic minorities, including gypsies. The Conference on Security and Cooperation in Europe and the United Nations should pay greater attention to the question of gypsies and their rights. Czechoslovakia had recently proposed convening a regional seminar on the problems of the gypsies with the participation of their representatives. It was regrettable that there had been some cases of racism and xenophobia in Czechoslovakia. Those problems, however, could not be solved immediately because they were closely connected with the changes that Czechoslovakia was undergoing within the framework of far-reaching social and economic reforms.

10. Czechoslovakia was deeply concerned about the shortage of funds that had led to the cancellation of a considerable number of sessions of the Committee on the Elimination of Racial Discrimination, and supported the idea of

(Mr. Slaby, Czechoslovakia)

establishing a "contingency reserve fund" (A/46/447, para. 2) as a stop-gap measure. His delegation felt that the States parties should fulfil their financial obligations, and it had reservations about the proposed alternative solution, which would not have the desired impact on the States parties that did not fulfil their obligations and would be disadvantageous to those that did.

11. The main condition for the implementation of all human rights was full implementation of the right to self-determination. Czechoslovakia welcomed the restitution of sovereignty to the three Baltic Republics and considered their admission to the United Nations as confirmation of their return to the international community of independent States. It was hoped that success could be achieved in bringing about a peaceful settlement of the conflicts in Cambodia, Afghanistan and Western Sahara. In all such conflicts, including the one in Yugoslavia, disputes could be solved only on the basis of negotiations. The implementation of the right to self-determination should ensure the broadest possible participation of individual nations and minorities in the management of their own affairs. That was possible only on the basis of democratic mechanisms ensuring free participation by all population groups.

12. His delegation supported the definition of racial discrimination set forth in the International Convention on the Elimination of All Forms of Racial Discrimination. General Assembly resolution 3379 (XXX), which equated zionism with racism, was in contradiction with that definition and demonstrated the extent to which international relations had been based on ideology in the recent past. Czechoslovakia believed that that resolution hampered the search for a realistic solution to the conflict in the Middle East and had not promoted efforts to combat racism and racial discrimination. Accordingly, his delegation supported the initiative to rescind it.

13. Mr. TSEPOV (Union of Soviet Socialist Republics) said that no serious politician today was likely to question the importance and value of the right to self-determination, which had been laid down in numerous international instruments and constituted the legal basis by which every nation could determine its political status and pursue its development freely. Experience showed, however, that the right to self-determination was not a magic formula. Implementing the right to self-determination in practice gave rise to numerous intractable issues. Exercising that right must be based on respect for the national interests of other ethnic groups, the promotion of friendly relations among them and actions that reflected the growing trend towards global integration. When perceived as a justification for ethnocentrism, the right to self-determination could lead to attempts to divide the world and antagonize nations on ethnic grounds. National self-awareness should serve the cause of progress, freedom and prosperity. Slogans promoting national self-assertion must not encourage policies of separatism leading to the absurdity of autarky, whether economic or cultural. The right to self-determination must be implemented in a careful and well-balanced manner.

(Mr. Tsepov, USSR)

14. Yet attempts to exercise that right through force and bloodshed persisted. The time had come for the United Nations to make a practical contribution to solving such problems. On the basis of its extensive international experience, the Organization could propose reasonable and flexible solutions to the most acute problems linked to self-determination and thus eliminate the possibility of armed violence. There was a need to consider further the problem of self-determination and the principles and methods for its implementation and to develop legal procedures for resolving specific situations that arose. Finding ways to harmonize national interests and ensure respect for the rights of peoples and individuals was a complex but noble task for such an authoritative international forum as the United Nations.

15. Mr. KOTEY (Ghana) said that since its foundation, the United Nations had been dealing with the issue of race relations. It had incorporated principles relating to racism and racial discrimination in a number of legally binding instruments and in many General Assembly resolutions and declarations. It had also proclaimed and implemented two Decades to Combat Racism and Racial Discrimination so that comprehensive programmes of action involving all countries could be designed and adopted. Although such programmes had served to draw attention to the plight of such vulnerable groups as migrant workers, children and indigenous populations, the struggle to end racial disharmony in the world was far from over.

16. The fight for the elimination of apartheid in South Africa had reached an encouraging stage, as the legislative pillars of apartheid were being repealed and South Africa sought to re-enter the comity of nations. However, the continued inability of the black majority to enjoy a free and meaningful existence, in part because of official support and instigation of violence among the black population, required the international community to maintain pressure on the South African Government and to avoid taking regressive action that would counteract the progress made. His delegation deeply regretted the unilateral decision of certain Member States to abandon sanctions against South Africa even before the Organization had reviewed and declared its position on the situation in that country. Such short-sighted action on sanctions would only remove the incentive for negotiations, embolden the supporters of apartheid, undermine the process of change and set the stage for a bloody civil war.

17. The spectre of organized racism and xenophobia had arisen in many other parts of the world as well. For that reason, his delegation supported the wide range of programmes currently under way within the United Nations system despite dwindling resources. The emphasis on education and public information on United Nations efforts to eradicate racism were steps in the right direction. The recently published global compilation of national legislation against racism and racial discrimination and the forthcoming model legislation against racism and racial discrimination would provide practical guidance for Governments, while the forthcoming handbook of recourse procedures for victims of racial discrimination would involve all peoples and nationalities in the fight against racism.

(Mr. Kotey, Ghana)

18. Since the International Convention on the Elimination of All Forms of Racial Discrimination was one of the most widely accepted United Nations human rights instruments, all States parties to the Convention should honour their financial obligations to the Committee on the Elimination of Racial Discrimination as soon as possible.

19. Mrs. SHERMAN-PETER (Bahamas) said that the General Assembly's proclamation of two consecutive Decades to Combat Racism and Racial Discrimination and its contemplation of a third indicated not only that the international community attached great importance to the principle of equality for all, but also that the ideal of racial equality was far from being realized. In fact, a new upsurge in racial and ethnic conflict had become a direct and major source of international tension.

20. Despite the obstacles encountered during the first Decade and the first half of the Second Decade, the cumulative impact of the Decades had been positive, inter alia in fostering basic changes in the attitudes of individuals and social groups whose beliefs bred intolerance. Although her delegation regretted that the required level of resources for the Second Decade had not been forthcoming, it was pleased at the public information and educational activities being conducted in the context of the Decade, and welcomed the forthcoming dissemination of the global compilation of national legislation against racial discrimination and of the model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination, which would influence policy decisions and activities.

21. Current financial constraints called for a system-wide response to racism. She therefore welcomed the inter-agency cooperation initiated by the Coordinator for the Second Decade as a means of broadening the scope and enhancing the coherence of the activities of various bodies.

22. The situation in South Africa had greatly improved since the beginning of the Second Decade. Nelson Mandela and many other political prisoners had been freed, political parties had been unbanned, the principal legal pillars of apartheid had been repealed, a national peace accord had been signed and an agreement had been reached between the Government and UNHCR on the return of refugees and political exiles to South Africa. However, the lack of a new constitution, the continued imprisonment of many political prisoners and significant socio-economic disparities between South African whites and blacks showed that those developments were necessary preconditions for profound and irreversible change. In order to reconcile the current divergence of views on the need to maintain sanctions and other forms of pressure on the South African Government, it was necessary to evaluate the situation in the light of the Declaration on Apartheid and its Destructive Consequences in Southern Africa (General Assembly resolution S-16/1, annex). The Bahamas favoured the phased lifting of sanctions, which would maintain the necessary degree of pressure and accorded with the wishes of black South African leaders. She urged those States which had already lifted sanctions to use other means to influence the South African Government.

(Mrs. Sherman-Peter, Bahamas)

23. Even though the International Convention on the Elimination of All Forms of Racial Discrimination had been ratified by more States than any other United Nations human rights instrument, major difficulties which impeded the treaty-monitoring mandate of the Committee on the Elimination of Racial Discrimination had not been resolved. The use of previous reports submitted by States parties to monitor their compliance with the Convention was effective only when the State concerned was able to send an expert to discuss the report with the Committee, thereby enabling it to make an up-to-date assessment of compliance. With respect to the Committee's expenses, her delegation had previously agreed to the establishment of a contingency reserve fund. However, other means of establishing a more secure financial basis should be explored, including the possibility of funding the Committee from the regular budget. Her delegation intended to cooperate fully during the January 1992 meeting of States parties to the Convention.

24. The problem of overdue reports was also faced by the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid. She therefore proposed that the Group should meet biennially instead of annually to ensure that it had a full slate of reports for review.

25. The United Nations had made great strides in helping peoples to realize their right to self-determination. As a former colony, the Bahamas would continue to participate actively in such efforts, including the programme of activities for the International Decade for the Eradication of Colonialism. Such activities, together with the proposed third decade to combat racism and racial discrimination, would help the international community to implement the principles of equality and self-determination.

26. Mr. BAMSEY (Australia) said that self-determination was not limited to decolonization or the ending of foreign occupation. In many countries, ethnic or indigenous minorities were seeking to assert their identities, preserve their languages, cultures and traditions and achieve greater control of their affairs, sometimes even through autonomy or separate statehood, and if self-determination was seen only in terms of attaining national independence, there was little prospect of finding a peaceful solution to many of those issues. It should often be possible, through negotiation and adequate political representation of minority groups, to reach an agreement without redrawing international borders. That, in turn, called for truly democratic processes and structures, as well as respect for the rule of law rather than the use of force and repression.

27. In Australia, ensuring justice and dignity for the Aboriginal people was a major issue that his Government viewed in the context of self-determination. Attempts to enforce conformity and assimilation and the application of restrictive immigration criteria belonged to the past. Public policy was currently committed to multiculturalism, which aimed to promote tolerance and harmony among peoples of diverse backgrounds and to ensure that all Australians, immigrants and indigenous alike, were treated equally.

(Mr. Bamsey, Australia)

28. The recent establishment of the Aboriginal and Torres Strait Islander Commission (A/46/18, para. 225) had been a significant step towards that goal. For the first time, the power to allocate funding and determine priorities at a national level had been placed in the hands of the elected representatives of the Aboriginal and Torres Strait Islander peoples.

29. In statements to the Third Committee and to the Commission on Human Rights and the Working Group on Indigenous Populations, Australia had described the work of the Royal Commission into Aboriginal Deaths in Custody (ibid., para. 226). The Commission, which had investigated the deaths in custody between 1980 and 1989 of 99 Aboriginal and Torres Strait Islander people, had concluded that the large number of deaths had been due to the disproportionally high number of Aboriginal people in prison or police custody. Several of those cases were currently under examination by the public prosecuting authorities.

30. One of the most serious issues facing Australia was Aboriginal and Torres Strait Islander health; statistics showed a considerable gap between the life expectancy and infant mortality in those groups and in the population at large. In December 1990, his Government had committed an additional 232 million Australian dollars over five years to the National Aboriginal Health Strategy.

31. The creation of a Council for Aboriginal Reconciliation (ibid., para. 227) currently under way enjoyed broad support from all sectors of society. A public awareness and education campaign might soon be initiated to improve understanding in the wider community of Aboriginal and Torres Strait Islander history, culture, dispossession and continuing disadvantage. The reconciliation process would also require national, State and territory governments to cooperate with the Aboriginal and Torres Strait Islander Commission to address questions of land, housing, employment, health, infrastructure and economic development.

32. At its August 1991 session, the Committee on the Elimination of Racial Discrimination (CERD) had considered his Government's sixth, seventh and eighth reports submitted under article 9 of the Convention, and its comments (A/46/18, paras. 223-247) reflected the frank nature of that discussion. His Government had already taken up some of the Committee's suggestions, including the possibility of an independent commission for Aboriginal and Torres Strait Islander issues within the Australian National Human Rights Commission.

33. A minority of States parties continued to ignore their obligations to contribute towards the Committee's expenses. Eleven States parties had failed to pay their obligatory contributions for more than 10 years, and their arrears represented about two thirds of the shortfall. As a result, some recent sessions had had to be cancelled. CERD should not continue to be treated as a "second class" treaty body. The only immediate means of assuring sufficient funding was for all State parties to meet their financial

(Mr. Bamsey, Australia)

obligations in full. In the medium term, however, all human rights treaties with universal application should be funded by the regular budget.

34. Over the next 12 months, it would be timely to evaluate the achievements and shortcomings of the Second Decade. Australia welcomed the steps taken by the Under-Secretary-General for Human Rights to begin considering the drawing up of a programme of action. His Government shared the view of the French delegation that those United Nations activities required greater efforts in the areas of decision-making by consensus, concrete action and adequate resources. The Organization's endeavours must be updated to confront the changed nature of racial problems in the 1990s. Debate on measures to combat racism must not be selective or politicized and must avoid offensive rhetoric, such as the notorious equation of zionism with racism, a proposition that Australia had never accepted and which must be rescinded.

35. His Government fully shared the Organization's commitment to eradicating apartheid and welcomed the measures taken so far by the De Klerk Government to dismantle its legislative basis. Australia had taken a prominent stand with its Commonwealth partners in imposing sanctions and would continue to play its part in maintaining pressure on South Africa throughout all stages of the reform process.

36. His Government was committed to the observance in 1993 of the International Year for the World's Indigenous Peoples proclaimed in General Assembly resolution 45/164, which was an opportunity to focus on the situation of indigenous peoples and step up the commitment to ensuring their fundamental rights.

37. Mrs. ARUNGU-OLENDE (Kenya) said that Governments had a crucial role to play in combating racial hatred and violence. Manifestations of racism must be discussed openly and mutual tolerance promoted. Her delegation stressed the importance of education in combating intolerance towards such vulnerable groups as ethnic minorities, indigenous peoples, gypsies, refugees and migrant workers.

38. Incidents of ethnic and racial violence had been on the increase as migration across national frontiers had grown. But in a world without borders, such immigration had become the order of the day. If not alleviated, poverty in the developing countries would continue to give rise to large-scale migration to the industrialized nations. Sustained development in the South would ensure economic independence and self-reliance and must therefore be of major concern to the international community.

39. The eradication of apartheid in South Africa was under way, and although universal suffrage had yet to be introduced, her delegation looked forward to the day when the issue of racist policies in South Africa could be left behind so that attention could be focused on racial and ethnic discrimination against migrant workers and their families, refugees and indigenous populations, a

(Mrs. Arungu-Olende, Kenya)

phenomenon that persisted in many regions, especially in the countries of the North.

40. Kenya supported the proposal for a third decade to combat racism and racial discrimination. It was to be hoped that, despite financial constraints, the Centre for Human Rights would continue its work on the activities for the Second Decade.

The meeting rose at 11.40 a.m.